

IT IS ORDERED

Date Entered on Docket: September 15, 2022



The Honorable David T. Thuma
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW MEXICO**

IN RE:

ESTHER MARIANO,

Debtor.

No. 7-22-10397-TA

**DEFAULT ORDER LIFTING AUTOMATIC STAY
AND FOR ABANDONMENT OF PERSONAL PROPERTY**

THIS MATTER came before the Court on the Motion for Relief from Automatic Stay and to Abandon Property to NewRez LLC D/B/A Shellpoint Mortgage Servicing, filed by NewRez LLC D/B/A Shellpoint Mortgage Servicing, on July 18, 2022, that on July 18, 2022 a Notice of the filing of the Motion for Relief from Automatic Stay was mailed to Gary Lakin, Attorney for Debtor, Philip J. Montoya, Trustee, and Esther Mariano, Debtor, and that the deadline for filing objections was August 11, 2022. No objections to the Motion for Relief from Automatic Stay were timely filed, and the Court having considered the Motion and finding that NewRez LLC D/B/A Shellpoint Mortgage Servicing is entitled to an Order abandoning the

property and lifting the automatic stay imposed by the filing of the bankruptcy action, and being otherwise advised in these premises,

IT IS, THEREFORE, THE ORDER OF THIS COURT:

1. That the automatic stay imposed by the filing of the above-entitled and numbered cause of action as the same pertains to all the property described in the Retail Installment Contract and Certificate of Title, including but not limited to the following property more fully and completely described as:

1999 Cavco Mobile Home, Model No. 52840AA

is hereby lifted and the Creditor, NewRez LLC D/B/A Shellpoint Mortgage Servicing is permitted to proceed to obtain possession of the collateral more fully and completely described above. The Debtor shall not conceal the property, but shall surrender the property and provide for immediate release to NewRez LLC D/B/A Shellpoint Mortgage Servicing.

2. That as the above collateral is hereby abandoned pursuant to Section 554 of the Bankruptcy Code and shall not hereinafter become property of a successor bankruptcy estate, or successor trustee, and the Petitioner shall not be required to name the Trustee as a Defendant in its replevin action and may sell any of the collateral without further notice to the Debtor and the Trustee.

3. That the Creditor may immediately enforce and implement this order and USCS Bankruptcy Rule 4001(a)(3)(1999) is not applicable and/or is waived.

4. That upon the lift of stay, Creditor may continue with any and all State Court proceedings and such action shall not be affected by the bankruptcy filing an discharge.

5. That the Automatic Stay will be deemed lifted for all parties/creditors having an interest in the subject collateral.

XXXX – END OF ORDER – XXXX

SUBMITTED BY:

ROSE RAMIREZ & ASSOCIATES, P.C.

By /s/Elizabeth Dranttel e-signed
ELIZABETH DRANTTEL
Attorneys for Creditor
7430 Washington Street, NE
Albuquerque, NM 87109
Telephone: (505) 833-3036
Facsimile: (505) 833-3040
E-mail: Elizabeth.Dranttel@RRAfirm.com

COPY TO:

Gary Lakin
Attorney for Debtor
6727 Academy Rd NE Ste B
Albuquerque, NM 87109
Telephone: (505) 828-0400
Email: glakin3120@aol.com

Philip J. Montoya
Chapter 7 Trustee
1122 Central Ave SW Ste #3
Albuquerque, NM 87102
Telephone: (505) 244-1152

Esther Mariano
Debtor
224 Atrisco Vista Blvd. SW
Space 2
Albuquerque, NM 87121

on this ____ day of _____, 20____.
